

**THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

RON TOMA, an individual,

Plaintiff,

VS.

MOTLEY CRUE, INC., a California corporation; )  
SIGNATURES NETWORK, INC., a California )  
corporation; UNIVERSAL MUSIC GROUP, INC., )  
a Delaware corporation, )

Defendants.

Case No.: FILED: JUNE 17, 2008  
08CV3479  
JUDGE COAR  
MAGISTRATE JUDGE KEYS  
TG

## COMPLAINT

NOW COMES the Plaintiff, RON TOMA, by his attorney, LAWRENCE E. THOMPSON of THE THOMPSON LAW OFFICE, P.C., and respectfully states the following as his Complaint against the Defendants, MOTLEY CRUE, INC. (“MOTLEY CRUE”); SIGNATURES NETWORK, INC. (“SIGNATURES”), and UNIVERSAL MUSIC GROUP, INC. (“UMG”):

## NATURE OF THE ACTION IN BRIEF

1. This is an action by Ron Toma for injunctive relief and damages relating to the defendants' copyright infringement of Toma's intellectual property. More specifically, Toma possesses copyrights in photographic images of the members of Motley Crue, a popular band, that were created by author Michael Pinter in 1981. The defendants have copied and distributed those images. The defendants' actions in this regard constitute copyright infringement.

## PARTIES AND JURISDICTION

2. The plaintiff is a citizen of Illinois residing in DuPage County. Defendant MOTLEY CRUE, INC., is a corporation incorporated under the laws of California with its principal place of business in California. Defendant SIGNATURES is a corporation incorporated under the laws of California with its principal place of business in California.

Defendant UMG is a corporation incorporated under the laws of Delaware with its principal places of business in California and New York.

3. The amount in controversy, without interest and costs, exceeds the sum or value specified by 28 U.S.C. § 1332.

4. This Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1332 (diversity); and 28 U.S.C. § 1338(a) (copyright).

5. Venue is proper pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 1400.

6. This action arises under federal statutes. Defendants' conduct and activities were, and are, unauthorized and constitute copyright infringement under the United States Copyright Act, 17 U.S.C. § 101, *et seq.*

#### ALLEGATIONS OF COPYRIGHT INFRINGEMENT

7. In 1981, Michael Pinter created original photograph images of the members of the band Motley Crue.

8. The photographic images, individually and collectively, are original works that may be copyrighted under United States law. Copies of the photographic images are attached as Exhibit A-1 through A-7.

9. Upon information and belief, proper copyright notices were affixed to all authorized copies of the photographic images that have been published to date.

10. Plaintiff acquired the copyright in the photographic images through written assignments which have been provided to the Copyright Office.

11. On March 19, 2008, the plaintiff applied to the copyright office for a certificate of registration.

12. The defendants have infringed the copyright by publishing and selling one or more images that were copied from the plaintiff's photographic images that are attached hereto as Exhibit A.

13. Upon information and belief, defendants continue to infringe and/or are planning to infringe the copyright by continuing to publish and sell the infringing images in violation of the copyright thus causing irreparable damage.

PRAYER FOR RELIEF

Therefore, the plaintiff demands that:

- (a) for defendants to be enjoined from engaging in any further unauthorized infringement of plaintiff's protected photographic images;
- (b) the defendants account for and pay as damages to the plaintiff all profits and advantages gained from infringing the plaintiff's copyright and that the Court enter judgment in favor of plaintiff and against defendants for damages sustained by plaintiff in an amount to be determined at trial; and
- (c) the defendant pay the plaintiff interest, costs, and reasonable attorney's fees; and
- (d) the plaintiff be awarded any other just relief.


JURY DEMAND

Toma hereby demands a trial by jury on all issues and claims triable by jury.

Respectfully submitted,

Dated: June 17, 2008

RON TOMA

By:   
Lawrence E. Thompson

Lawrence E. Thompson, Esq.  
THE THOMPSON LAW OFFICE, P.C.  
831 S. State Street  
Lockport, IL 60441  
ILIPCounselor@comcast.net  
815.838.6033  
Fax: 815.828.0661  
Attorney No. 6279547







PLAINTIFF'S  
EXHIBIT  
A-3

© 1981 Ron Toma



PLAINTIFF'S  
EXHIBIT

A-4

© 1981 Ron Toma





